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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 DARRAL ELLIS,

8 Plaintiff,

9 v.

10 CLARK COUNTY DETENTION CENTER,

11 Defendant.
12

2:17-cv-01843-JCM-GWF

ORDER

13 **I. DISCUSSION**

14 On July 6, 2017, Plaintiff, then an inmate in the custody of the Clark County Detention
15 Center ("CCDC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an
16 application to proceed *in forma pauperis*. (ECF No. 1, 1-1). On July 10, 2017, this Court
17 issued an order denying Plaintiff's application to proceed *in forma pauperis* without prejudice
18 to file a new application because Plaintiff's application had been incomplete. (ECF No. 3).
19 Specifically, Plaintiff had not submitted a properly executed financial certificate or an inmate
20 account statement. (*Id.* at 1). The Court directed Plaintiff to file a fully complete application
21 to proceed *in forma pauperis* with complete financial attachments or pay the full \$400 filing fee
22 within 30 days from the date of that order. (*Id.* at 2). Shortly after the issuance of that order,
23 Plaintiff relocated to Lake's Crossing Center in Sparks, Nevada. (ECF No. 6). The Clerk's
24 Office re-mailed the order to Plaintiff's new address. (*Id.*) Plaintiff has not filed a new
25 application to proceed *in forma pauperis* and has not paid the filing fee for this case. Instead
26 Plaintiff has filed notices regarding a March 28, 2017 incident. (ECF No. 8, 9).

27 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
28 application to proceed *in forma pauperis* and attach both an inmate account statement for the
past six months and a properly executed financial certificate. Plaintiff has not submitted a

1 properly executed financial certificate on this Court's approved form or an inmate account
2 statement. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file
3 it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final
4 opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the
5 alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to
6 proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
7 *pauperis*. If Plaintiff files another incomplete application to proceed *in forma pauperis*, the
8 Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff
9 is able to acquire the necessary documents to file a complete application to proceed *in forma*
10 *pauperis*.

11 **II. CONCLUSION**

12 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
13 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
14 the document entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
16 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
17 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
18 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
19 administrative fee).

20 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
21 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
22 new case when he is able to acquire the necessary documents to file a complete application
23 to proceed *in forma pauperis*.

24 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
25 dismissal of this action may result.

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1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
2 No. 1-1), but shall not file it at this time.

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4 DATED: This 21st day of August, 2017.

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6 United States Magistrate Judge